

SECOOR
4#
3

Dkt. 57906-B/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : William C. Olson, et al.
U.S. Serial No : 09/594,983
Filed : June 15, 2000
For : SYNERGISTIC INHIBITION OF HIV-1 FUSION AND
ATTACHMENT, COMPOSITIONS AND ANTIBODIES
THERETO

1185 Avenue of the Americas
New York, New York 10036
November 8, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

**COMMUNICATION IN RESPONSE TO
AUGUST 8, 2000 NOTICE TO FILE MISSING PARTS
OF APPLICATION AND PETITION FOR A ONE MONTH EXTENSION OF TIME**

This Communication is filed in response to a Notice to File Missing Parts of Application issued by the United States Patent and Trademark Office on August 8, 2000 in connection with the above-identified application. A copy of the Notice is attached hereto as Exhibit A. The Notice provides a period of two months for filing a response. A response to the August 8, 2000 Notice to File Missing Parts was originally due October 8, 2000. Applicants hereby petition for a one month extension of time. Applicants are hereby establishing small entity status. The required fee for a one month extension of time for a small entity is \$55.00 and a check which includes this amount is enclosed. Therefore, a response is now due on November 8, 2000. Therefore, this Communication is being timely filed.

11/15/2000 JADD01 00000045 09594983

01 FC:215

55.00 OP

Applicants: William C. Olson, et al.
U.S. Serial No.: 09/594,983
Filing Date: June 15, 2000
Page 2

The Notice indicates that the oath and declaration is unsigned. In response, applicants attach hereto as Exhibit B a Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(d) and in compliance with 37 C.F.R. §163. The Declaration refers to the application's above-identified serial number and filing date.

The Notice To File Missing Parts of application states that the surcharge owed by applicants under 37 C.F.R. §1.16(e) is \$130.00. In response, applicants maintain that small entity status was applicable at the time of filing and that such status still applies. Applicants attach hereto as Exhibit C a Verified Statement (Declaration) Claiming Small Entity Status Under 37 C.F.R. §1.9(f) and §1.27(d) (Non-Profit Organization). The Statement is signed by an authorized official of the entity who has rights in the subject application, namely Progenics Pharmaceuticals, Inc. Therefore, since small entity status is applicable, applicants maintain that the required fee is \$65.00 for a small entity and a check which includes this amount is enclosed.

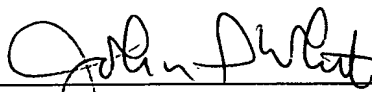
In addition, in the event that the United States Patent and Trademark Office charged any fees in addition to those required for a small entity, applicants hereby request a refund for any such fees. This refund should be credited to Deposit Account No. 03-3125 under Docket No. 57906-B.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone at the number provided below.

Applicants: William C. Olson, et al.
U.S. Serial No.: 09/594,983
Filing Date: June 15, 2000
Page 3

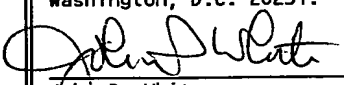
No fee, other than the enclosed \$120.00 fee, which includes the \$55.00 fee for a one month extension of time and \$65.00 surcharge, is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



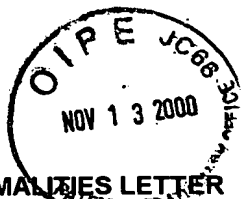
John P. White
Registration No. 28,678
Spencer H. Schneider
Registration No. 45,923
Attorneys for Applicant(s)
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



John P. White
Reg. No. 28,678
Spencer H. Schneider
Reg. No. 45,923

11/18/00
Date



JPW

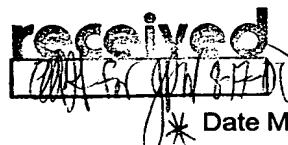
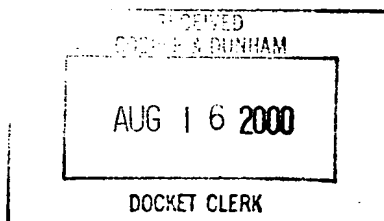
FORMALITIES LETTER



OC000000005306109

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/594,983	06/15/2000	William C. Olson	57906-B/JPW/SHS

John P White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

Date Mailed: 08/08/2000

- 2mo: 10/8/2000
3mo: 11/8/00
4m: 12/8/00
5m: 1/8/01
- 6m: 2/8/01
W.D.

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

N. FISS H/A

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

11/15/2000 JADD01 00000045 09594983

02 FC:205

65.00 OP